

1 consider the matter anew, the same as if it had not been heard before and as if no decision
2 previously had been rendered. Ness v. Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992).
3 Thus, although the district court need not hold a de novo hearing, the court's obligation is to
4 arrive at its own independent conclusion about those portions of the magistrate judge's
5 findings or recommendation to which objections are made. United States v. Remsing, 874
6 F.2d 614, 617 (9th Cir. 1989).

7 On November 9, 2007, the Plaintiffs filed a Motion for Order to Show Cause (Doc #57).
8 Upon Plaintiffs' motion the Court ordered Defendants Justin Hayes, Janice Hayes and Bennett
9 Hayes to appear before the Court on February 12, 2008 at 9:00 a.m., to show cause why they
10 should not be held in contempt of court and why judgment should not be entered against them.
11 The Court further ordered Plaintiffs to arrange for personal service of the Order (Doc #59) and
12 the motion for order to show cause (Doc #57) on the Defendants within fifteen (15) days of the
13 date of the Order. The Plaintiffs filed proof of service of the documents on December 27, 2007
14 (Doc #64). Defendants filed no response to the motion for order to show cause and failed to
15 appear at the February 12, 2008 hearing.

16 At the hearing, the court heard testimony from the Plaintiffs and considered arguments
17 of counsel. In their objection, the Plaintiffs argue that the Magistrate Judge prejudged the
18 issues before the Plaintiffs commenced presentation of their evidence and refused to entertain
19 the possibility of incarceration for any Defendant. Plaintiffs argue that the Magistrate Judge
20 made errors that are clearly erroneous and contrary to law in failing to impose criminal
21 contempt sanctions against Justin Hayes. Additionally, Plaintiffs request that the Court correct
22 a calculation error in the monetary judgment against Janice Hayes to include all 14 violative
23 communications of the total sum of \$70,000. After conducting an independent review of the
24 record, the Court adopts the Magistrate Judge's recommendation (#66).

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III. CONCLUSION

Based on the foregoing,

IT IS HEREBY ORDERED that Plaintiffs' Objection to U.S. Magistrate Judge's Report and Recommendation (#68) is DENIED and the Report and Recommendation (#66) entered by the Magistrate Judge on February 13, 2008 is ADOPTED.

IT IS SO ORDERED.

DATED: This 14th day of April, 2008.

A handwritten signature in black ink, appearing to read "Blanchard", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE